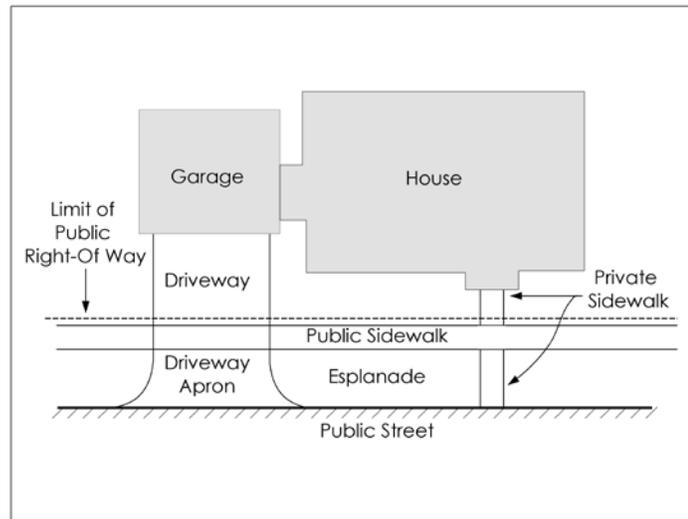


Appendix C Sidewalks and Aprons

Most stormwater utility districts use impervious cover as the primary factor in assigning a fee, and most of the rest use it as at least one factor. Among its advantages is that it is relatively easy to determine whose property the impervious area is on. There are, however, exceptions to this ease of assigning responsibility. Two such exceptions are sidewalks and aprons.

Many property owners may believe that their property extends to the street off which their property is located. In fact, the City (or, in the case of State roads, the State) generally owns a strip of land on either side of the street which encompasses the sidewalk, the esplanade (the strip of grass between the sidewalk and the street) and potentially even some of the land on the house side of the sidewalk.



Furthermore, the public sidewalk is for the benefit of anyone walking along the road, and in most cases the property owner adjacent to the sidewalk is not its primary user. For these reasons, it may make sense to include the impervious area of a sidewalk in the City or State's impervious area for fee purposes, rather than that of the adjacent property owner.

Driveway aprons and private sidewalks are more complicated. While often technically on City- or State-owned land, these are used primarily by the property owner or visitors to that property. In addition, if the property were not developed, the portion of the apron or sidewalk that does not form part of the sidewalk would not be impervious at all.

The part of the apron that does not overlap with the public sidewalk is used and maintained by the property owner, so it may make sense for that part to be considered the property owner's for fee purposes. That still leaves the area where the driveway and public sidewalk (or public and private sidewalks) cross. This area is used by both the property owner and the general public; in the downtown, mostly by the public, and in more rural areas, mostly by the property owner. It is often, but not always, maintained by the City or State.

Even if the City or State does pay for the overlap area, the property owner is not entirely off the hook; as explained in more depth in another white paper, the money the City uses to pay must come from somewhere, probably the property tax or other utility district funds. The ultimate difference for an individual landowner, then, will depend on whether the overlap area is larger or smaller than average and a host of other factors.